

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

In re: § **Case No. 19-42570**
DONALD R. TRIPPLETT, JR., § **Chapter 7**
Debtor. §

**AGREED MOTION TO CONTINUE HEARING ON CREDITORS
SHAWN VALK AND RON VALK'S MOTION FOR EXAMINATION
UNDER BANKRUPTCY RULE 2004 OF DONALD R. TRIPPLETT, JR.**

TO THE HONORABLE BRENDA T. RHOADES
CHIEF UNITED STATES BANKRUPTCY JUDGE:

Shawn Valk (herein, so called) and Ron Valk (herein so called), by and through their undersigned counsel, hereby file this agreed motion (the “Agreed Motion”) requesting that the Court enter an order continuing the December 17, 2019, hearing to consider the *Motion for Examination Under Bankruptcy Rule 2004 of Donald R. Triplett, Jr.* [Docket No. 50] (the “Motion for 2004 Examination”). In support of this Motion, the Valks state as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334(b). This matter is a core proceeding, and this Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

2. On September 19, 2019 (the “Petition Date”), Donald Triplett (“Triplett” or the “Debtor”) commenced the case by filing a petition for relief under chapter 7 of the Bankruptcy Code (the “Chapter 7 Case”).

3. On November 18, 2019, the Valks filed their Motion for 2004 Examination, pursuant to which the Valks seek to obtain documents from Triplett and to depose Triplett in connection with

certain fraudulent conduct that Triplett committed. The Valks believe that such conduct will render their claims nondischargeable in Triplett's bankruptcy case pursuant to 11 U.S.C. §§ 523 and 727.

4. Since filing the 2004 Motion, additional creditors including Jeremy Haltom ("Mr. Halton") and Mike Anderson ("Mr. Anderson") (both *pro se* creditors) have indicated to the Valks that they desire to join in the Motion for 2004 Examination, to testify at the hearing, and to participate in any subsequent Rule 2004 examination of Triplett. Additionally, the Valks intend on calling Mr. Haltom and Mr. Anderson as witnesses in support of the Motion for 2004 Examination. Accordingly, Mr. Haltom and Mr. Anderson are vital to the Motion for 2004 Examination (in which they expressed an intent to join) and hearing thereon.

RELIEF REQUESTED

5. The Valks suggest that a continuance of the scheduled December 17, 2019, hearing is appropriate in light of the additional creditors who have expressed an interest in joining the Valks' Motion for 2004 Examination. The Valks respectfully request that the hearing on same be rescheduled for January 7, 2020, at 9:30 a.m.

ARGUMENTS AND AUTHORITIES

6. The exercise of the court's inherent power to control and manage its docket is warranted in this case. A "federal court has the inherent power to stay proceedings to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Melo v. Gardere Wynne Sewell LLP, et al.*, 2005 WL 991600, at *3 (N.D. Tex. 2004); *see also Itel Corp. v. M/S Victoria U (Ex Pishtaz Iran)*, 710 F.2d 199, 203 (5th Cir. 1983).

7. The Valks have learned that Mr. Haltom will not be available to attend the December 17, 2019, hearing because he is and will be in San Francisco, California through at least December 20, 2019. Due to Mr. Haltom's unavailability to participate and testify at the current setting, and

in order to give Mr. Haltom as well as any additional creditors, such as Mr. Anderson, an opportunity to join in the relief sought in the Motion for 2004 Examination, the Valks seek a short continuance of the current December 17, 2019, hearing and request that same be rescheduled to be heard on January 7, 2020, at 9:30 a.m.

8. This continuance is not sought for the purpose of delay but so that justice may be done.

9. The Valks have conferred with counsel for Triplett and Triplett agrees with the requested relief sought herein.

PRAYER

WHEREFORE, PREMISES CONSIDERED, creditors Shawn Valk and Ronald Valk respectfully request the Court to grant this Agreed Motion and reschedule the evidentiary hearing on same for January 7, 2020, at 9:30 a.m. and grant the Valks such further relief, at law and in equity, to which they are justly entitled.

Dated: December 13, 2019.

/s/ Brandon J. Tittle
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**COUNSEL FOR THE SHAWN VALK AND
RON VALK**

CERTIFICATE OF CONFERENCE

I hereby certify that, on December 13, 2019, counsel for the Valks contacted Joyce Lindauer, counsel for the Debtor, regarding the relief requested in this Agreed Motion. Ms. Lindauer stated that her client, Triplett, does not oppose the relief sought in this Agreed Motion.

/s/ Brandon J. Tittle
Brandon J. Tittle

CERTIFICATE OF SERVICE

I hereby certify that, on December 13, 2019, a true and correct copy of the foregoing pleading was served via first class mail upon the counsel listed below via email and by ECF email upon all parties accepting such service.

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